UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,526	10/12/2001	David S. Allison	0007056-0199/P5942	3986

32615	7590	05/19/2005

OSHA LIANG L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

EXAMINER
SHRADER, LAWRENCE J

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *127* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/14/2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed by the Applicant on 12/14/2005.

2.   The Applicant's arguments have been fully considered, but are moot in view of the new

grounds of rejected as necessitated by the amendments. Claims 1 – 27 remain rejected

Oath/Declaration

3.   The substitute declaration filed on 12/13/2004 is acknowledged, and the objection to the

oath/declaration of the previous action is consequently withdrawn.

Drawings

4.   The replacement drawings submitted on 12/14/2004 are acknowledged and accepted.

Claim Rejections - 35 USC § 101

5.   The *35 USC § 101* rejection of the last office action is withdrawn in view of the

amendments.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fridman,

U.S. Patent 5,926,814 in view of Heimbigner, "CU Arcadia Project Software System"

(hereinafter referred to as the Heimbigner paper).

In regard to claim 1:

A method for converting a software program into one or more tokens, comprising:

"obtaining one or more entries;

analyzing said source program; and

generating said plurality tokens from said source program at runtime using said computer system, wherein said entries may be used to generate a subset of said plurality of tokens."

Fridman discloses a method of converting a software program into tokens by obtaining

one or more entries (in a Lexic dictionary) and analyzing the source program (column 4, lines 38

– 42), and generating tokens from the program (column 4, lines 38 – 56), but does not disclose a

runtime configuration. However, the Heimbigner paper discloses a runtime lexical analyzer

(page 1), being able to generate a subset of tokens by virtue of the sub-typing (as disclosed on

page 2). Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to combine the Fridman invention with the runtime parser/lexical scanner of

Heimbigner because the Heimbigner system is designed to generate a parser/lexical giving the

advantage of allowing the parser/lexical scanner to operate in real-time JAVA systems as

discloses on page 6 of the Heimbigner paper.

In regard to claim 2, incorporating the rejection of claim 1:

> *"...wherein said entries are comprise a language descriptor and a token value."*

Fridman discloses matching entries in a Lexic dictionary and values for the tokens

(column 4, lines 38 – 47).

In regard to claim 3, incorporating the rejection of claim 2:

> *"...wherein the analyzing comprises:*
>
> > *obtaining a lexeme from said source program; and*
> >
> > *determining if said lexeme matches one of said language descriptors."*

See Fridman column 4, lines 38 – 56.

In regard to claim 4, incorporating the rejection of claim 3:

> *"...wherein the analyzing further comprises:*
>
> > *obtaining said token value if said lexeme matches one of said language descriptors."*

See Fridman column 4, lines 38 – 47.

In regard to claim 5, incorporating the rejection of claim 4:

> *"...wherein the analyzing further comprises:*
>
> > *obtaining a next lexeme from said source program."*

Fridman discloses analyzing the source program generating a token after each match

(column 4, lines 45 – 47).

In regard to claim 6, incorporating the rejection of claim 5:

> *"...wherein the generating comprises:*
>
> > *outputting said token value in response to a request from a host program."*

Fridman discloses outputting the token information from the dictionary to a specialist

generating an action list for a user to receive at column 4, lines 57 – 66.

In regard to claims 7 and 8, incorporating the rejection of claim 6:

"...wherein said language descriptor is a reserved word."

"...wherein said language descriptor is an operator."

Fridman discloses the use of a Lexic module to define words, identifiers, special

characters and constants. This description at least suggests that a reserved word or an operator or

any other lexical constructs are operable by the decision task creating a token as disclosed at

column 4, lines 38 – 47.

In regard to claim 9, incorporating the rejection of claim 1:

"...wherein the obtaining further comprises:

entering said token entries into a token dictionary."

Fridman discloses entering the token entries in a dictionary (column 4, lines 54 – 56).

In regard to claim 10 (a program): It is rejected for the same corresponding reasons put forth in

the rejection of the method of claim 1.

In regard to claim 11 (a program), incorporating the rejection of claim 10: It is rejected for the

same corresponding reasons put forth in the rejection of the corresponding method of claim 2.

In regard to claim 12 (a program), incorporating the rejection of claim 10: It is rejected for the

same corresponding reasons put forth in the rejection of the corresponding method of claim 3.

In regard to claim 13 (a program), incorporating the rejection of claim 10: It is rejected for the

same corresponding reasons put forth in the rejection of the corresponding method of claim 4.

In regard to claim 14 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 5.

In regard to claim 15 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 6.

In regard to claim 16 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 7.

In regard to claim 17 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 8.

In regard to claim 18 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 9.

In regard to claim 19 (a lexical analyzer): It is rejected for the same corresponding reasons put forth in the rejection of the method of claim 1.

In regard to claim 20 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 2.

In regard to claim 21 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 3.

In regard to claim 22 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 4.

In regard to claim 23 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 5.

In regard to claim 24 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 6.

In regard to claim 25 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 7.

In regard to claim 26 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 8.

In regard to claim 27 (a program), incorporating the rejection of claim 10: It is rejected for the same corresponding reasons put forth in the rejection of the corresponding method of claim 9.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence Shrader
Examiner
Art Unit 2124

11 May 2005
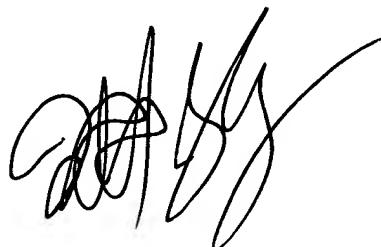
TODD INGBERG
PRIMARY EXAMINER